NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, AUGUST 26, 2014 — 7:00 P.M.

Prayer offered by Vice Mayor Angela Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

CEREMONIAL MATTER

Mr. Kurt Hofelich of United Way presented a certificate to Council thanking the City of Norfolk and its employees for their continuous support to United Way and for contributing '154,886 for the 2013-2014 Unite Way Campaign.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of Norfolk Collegiate School, to amend the City's Future Land Use Map within the General Plan, *plaNmfolk2030*, from Single Family Traditional to Institutional and for a change of zoning from R-7 (Single-Family) to IN-1 (Institutional District) on property located at 7307-7321 Woodbin Avenue,

Shepelle Watkins-White, the attorney, 870 Greenbrier Circle, Ste 405, was present to answers questions.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan, <u>Planorfolk2030</u>, SO AS TO change the land use designation for properties located at 7307 to 7321 Woodfin Avenue from Single-Family Traditional to Institutional," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-1A

An Ordinance entitled, "An Ordinance to rezone properties located at 7307 to 7321 Woodfin Avenue from R-7 (Single-Family Residential) to IN-1 (Institutional) District," was introduced in wilting and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of Overbrook Ventures, LLC, for a change of zoning from R-8 (Single-Family) to conditional R-9 (Single-Family) on property located at 2817-2821 Overbrook Avenue.

Bobby Feinman, the applicant, 2617 All Saints Court, Virginia Beach and William Jackson, Sr., Treasurer of Estabrook Civic League, spoke in support of this matter.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at 2817 and 2821 Overbrook Avenue from R-8 (Single-Family Residential) to Conditional R-9 (Single-Family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Ptotogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of Norfolk Premium Outlets, to amend the City's General Plan, *plalloolk2030*, to add Section 11-54 to the *Zoning Ordinance* to create the "Norfolk Premium Outlets Localized Alternative Sign Overlay" (NPO-LASO) District and for a change of zoning from OSP (Open Space Preservation) and 1-2 (Light Industrial) to C-3 (Retail Center) and NPO-LASO (Norfolk Premium Outlets Localized Alternative Sign Overlay) districts on property located at 6282 Northampton Boulevard,

Scott Richardson, 225 West Washington Street, Indianapolis, In. and Randy Royal, 4500 Main Street, were present to answer questions.

William Jackson, 3709 Buckingham Street, stated that the Lake Wright Golf Course has been in the City for over 50 years, and he would hate to see it go for an Outlet Mall.

Edna Riddick 5500 Sandpiper Lane, stated that the Outlet Mall is adjacent to her property. Since the decision has been made to build the mall, she wanted to speak out about the upkeep of the property. Due to high grass, it has attracted mosquitos and rodents. She asked the City to have someone to come out and cut the grass and exterminate the area.

Thereupon, an Ordinance entitled, "An Ordinance to amend Chapter 11 of the Zoning Ordinance of the City of Norfolk 1992, SO AS TO create the Norfolk Premium Outlets Localized Alternative Sign Overlay District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

An Ordinance entitled, "An Ordinance to amend the City's General Plan <u>PLANORFOLK2030</u>, SO AS TO change the land use designation on properties located at 6282 Northampton Boulevard from Office and Open Space/Recreational to Commercial," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3B An Ordinance entitled, "An Ordinance to rezone properties located at 6282 Northampton Boulevard from OSP (Open Space Preservation) and 1-2 (Light Industrial) to C-3 (Retail Center) and NPO-LASO (Norfolk Premium Outlets Localized Alternative Sign Overlay) Districts.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of Sentara Healthcare, for a text amendment to the City's Zoning Ordinance to add Section 11-55 to create the "Sentara Leigh Localized Alternative Sign Overlay" (Sentara Leigh-LASO) district and for a change of zoning to adopt the Sentara Leigh-LASO (Sentara Leigh Localized Alternative Sign Overlay) district on property located at 844, 880, and 890 Kempsville Road, and 6241 East Virginia Beach Boulevard.

Eric Young, 830 Kempsville Road and Scott Campbell, a representative from Sentara Healthcare, were present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to amend Chapter 11 of the **Zoning Ordinance of the City of Norfolk, 1992, SO AS TO** create the **Sentara Leigh Localized Alternative Sign Overlay District,"** was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4A

An Ordinance entitled, "An Ordinance to apply the Sentara Leigh Locali7ed Alternative Sign Overlay District to properties located at 844, 880 and 890 Kempsville Road and 6241 East Virginia Beach Boulevard," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim,

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of Scott B. Konikoff, for the closing, vacating and discontinuing an 18 foot lane on the south side of East Ocean View Avenue, 150 feet, more or less, in length, lying east of Cape View Avenue and east of Lot 10 and Block 11 of the Plat of Part of Property of Bay View Beach Corporation.

Thereupon, an Ordinance entitled, "An Ordinance closing, vacating and discontinuing an unnamed 18' lane east of Cape View Avenue and authorizing the conveyance to the abutting property owners of any interest the City may have in the underlying fee of said unnamed 18' lane east of Cape View Avenue, contingent upon the satisfaction of certain conditions," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective September 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of City Planning Commission, for a text amendment to Section 10-16, "Granby/Monticello Corridor Mixed Use (G-1)" of the City's *Zoning Ordinance* to add and amend terms, simplify language, adjust development standards, and consider historic properties.

Thereupon, an Ordinance entitled, "An Ordinance to amend Section 10-16 of the Zoning Ordinance of the City of Norfolk, 1992 SO AS TO simplify language adjust regulations and development standards, and better accommodate existing, historic buildings in the Granby/Monticello Corridor Mixed Use District (G-1)," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

REGULAR AGENDA

R-1 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a Special Exception to VWARS, Inc. authorizing the operation of an entertainment establishment, named 'Café Affairs', on property located at 333 West 21st Street, Suite 333," was introduced in writing and read by its title.

Marlene Murphy, 3208 Letcher Court, Chesapeake, VA, was present to answer questions.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2 Letter from the City Manager and an Ordinance entitled,
"An Ordinance granting a Special Exception to Kelclark, Inc.
authorizing the operation of an entertainment establishment named
`Harbor Inn' on property located at 7924 Chesapeake Boulevard, Suite
F," was introduced in writing and read by its title.

The following proponents were present to support this application.

Ed Jones, owner, Sherry Jones, Tiffany Challender, 713 Montebello Circle, Thomas Palmer, 7652 Gifford Street, Angleen and Bryan Frick, 701 Wickwood Drive, Chesapeake, VA, Gina, and Jeff Andrews, 153 Commodore Place, Kevin Hodges, 7920 Bi-County Road, Frank Sylvia, 968 Newell Avenue, Michelle and Mike Hage, 922 Brandon Avenue, Lenora Lewis, 1658 Croyden Road, Lillian Rowe, 604 Earl Street, Bobbi Jones, 829 West 47th Street, Richard Wallace, 3314 Indigo Road, Chesapeake, David Williford, 1208 Tallwood Road, Bruce Fensom, 9508 Mason Creek Road, Janet Hutcheson, 8021 Tarpon Place, Alicia Rolon, 153 Commodore Place, Bernon Michael, 2816 Omar Street, Kimberly Shumaker, 8622 Sturgis Street and George Ball, 8456 Carlton Street.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-3

Letter from the City Manager and an Ordinance entitled,
"An Ordinance authorizing the **Hermitage Museum** and **Gardens** to
place four directional parking signs in the median along **Hampton Boulevard** between **North Shore Road** and **Gleneagles Road** and one
directional parking sign in the verge along **Hampton Boulevard** near
the intersection of **Daniel Avenue**, subject to certain terms and
conditions," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled,
"An Ordinance accepting a \$539,441 Commonwealth of Virginia

Department of Environmental Quality Storm Water Local

Assistance Fund Grant for the design and construction of four (4)

Water Quality Improvement Projects, appropriating and authorizing the expenditure of the \$539,441 grant funds for the water quality improvement projects and authorizing the expenditure of \$269,720.50 from local cash matching funds for the projects," was introduced in writing and read by its title.

Thomas Huns, 1231 West 27th Street and Joe Cook, 1147 Surrey Crescent, spoke about the air quality and the coal dust coming from Norfolk Southern Railway.

ACTION: The Ordinance as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-5

Letter from the City Manager and an Ordinance entitled,
"An Ordinance authorizing the City Manager to negotiate a
Memorandum of Agreement in substantial conformity with the terms and
conditions of the attached Memorandum of Agreement between the
City of Norfolk and the National. Oceanic and Atmospheric
Administration ('NOAA) to conduct dredging services at the terminus
of West York Street, adjacent to the Brambleton Avenue Bridge and
authorizing the City Manager to accept \$750,000 from NOAA to procure
such dredging services," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled,
"An Ordinance permitting **Michael Remington** to encroach into **Bi County Road** right-of-way at **1355 Eagle Avenue** with an existing concrete and asphalt driveway," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7 Letter from the City Manager and an Ordinance entitled,
"An Ordinance permitting **New York Fashion Organization, Inc. t/a NYFO Boutique** to encroach 8" into the right of way of **West 22nd Street at 322 West 22' Street** with a 60" by 17" sign," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Pretty Lake** at **East Beach, Inc.** to encroach 8"+ with box bay bump-outs and 3'+ with roof overhang into a 20' drainage easement at 9417, 9421, 9429, and 9433 27th Bay Street, and 9424, 9428, 9436, and 9440 26th Bay Street," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9 Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Tak Acquisitions, L.L.C.** to encroach into **Olney Road** right-of-way 5'- 6"+ with an existing double sided sign, the bottom of which is 12'- 4" above the ground at **776 Granby Street,"** was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim

No: None.

R-10 Letter from the City Manager and a Resolution entitled, "A Resolution approving the establishment and operation of **American Medical Response Mid-Atlantic, Inc.** to provide non-911 emergency medical services for medical facilities and individuals in the City," was introduced in wilting and read by its title.

ACTION: The Resolution as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-11 Letter from the City Manager and an Ordinance entitled, "An Ordinance amending Ordinance No. 45,355 accepting and appropriating \$729,210 from the Virginia Department of Fire Programs for the 'Aid-to-Localities' Program for Fiscal Year 2014," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-12 Letter from the City Manager and an Ordinance entitled,
"An Ordinance accepting and appropriating up to the sum of \$729,210
from the Virginia Department of Fire Programs for the 'Aid-ToLocalities' Program," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled,
"An Ordinance approving the conveyance by the City of Virginia Beach
to the City of Norfolk of certain property located in the City of Virginia
Beach constituting a weir separating Lake Smith and Little Creek
Reservoir, subject to the reservation by the City of Virginia Beach of an
easement across the paved portion of the weir property; and authorizing
the City Manager to accept the Deed on behalf of the City of Norfolk,"
was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke to express his interest and concern on this matter.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-14

Letter from the City Manager and an Ordinance entitled, "An Ordinance finding a public necessity for the acquisition of permanent easements and temporary construction easements over certain parcels of property located in the cities of **Chesapeake** and **Portsmouth** for the purpose of replacing the City of Norfolk's 36 inch raw water main that crosses the western branch of the **Elizabeth River**; authorizing the acquisition of the easements by either **Purchase Agreement** or **Condemnation**; authorizing the release of any portions of the existing water line easement no longer needed by the City of Norfolk; and authorizing the expenditure of the sum of up to \$100,000.00 from funds heretofore appropriated for acquisition of the easements and for <u>all</u> related transactional costs," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting Winston 2, L.L.C. t/a The Green Onion permission to encroach into the right of way of 1601-1603 Colley Avenue and approving the terms and conditions of the Encroachment Agreement," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-16

Letter from the City Manager and an Ordinance entitled,
"An Ordinance approving the conveyance to the City of Norfolk by
Norfolk Redevelopment and Housing Authority a certain parcel of
property that is currently part of the Huntersville II Redevelopment
Project, and authorizing the City Manager to accept the Deed on behalf
of the City," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-17 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving an amendment to the Garage Parking Agreement between the City of Norfolk and WBG Financial Investment & Capital, LLC SO AS TO change the status of the parking spaces from 'Reserved' to 'Unreserved' and to adjust the parking fees accordingly," was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-18 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a License Agreement with Pickette Road Enterprises for the use of certain pace at 5585 Sabre Road," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-19 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a grant in the amount of \$1,170,308 from the Virginia Department of Criminal Justice Services for the Norfolk Criminal Justice Services Agency, appropriating and authorizing the expenditure of the grant funds in the amount of \$1,170,308, authorizing the expenditure of \$158,932 in local funding for the NCJS Agency and authorizing the employment of nineteen (19) persons for the agency and providing funds for their salaries and benefits," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-20 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a Victim Witness Grant Award of \$347,162.00 from the Virginia Department of Criminal Justice Services for the Continuation of the Victim/Witness Assistance Program, appropriating and authorizing the expenditure of the grant funds for the program and authorizing the hiring of eight (8) persons for the program in a special project employment status," was introduced in writing and read by its title.

Betsy Powell, Norfolk Commonwealth's Attorney Office, was present to answer questions.

ACTION: The Ordinance as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-21 Letter from the City Manager and a Resolution entitled, "A Resolution approving the amendment and restatement of each of the Creation Agreement and Service Agreement of the Hampton Roads Regional Jail Authority," was introduced in writing and read by its tide.

Ellis James, 2021 Kenlake Place, spoke in support of this matter.

ACTION: The Resolution as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-22 Letter from the City Manager and a Resolution entitled, "A Resolution approving the **Norfolk Community Services Board's Performance Contract** with the Commonwealth for Fiscal Year 2015 renewable by mutual agreement for Fiscal Year 2016," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protagyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-23 Letter from the City Attorney and an Ordinance entitled,
"An Ordinance approving the amended and restated **Declaration of Covenants, Conditions, Restrictions** and **Easements** of the **Lafayette Shores Homeowners Association,"** was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

R-24 A Resolution entitled, "A Resolution appointing Nikita Houchins to the Norfolk City Planning Commission for a certain term," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was adopted, effective August 26, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

- 1. Ada Blair, 119 Filbert Street, expressed concerns about the Norfolk Public School system, stating that the school system is in trouble, that the Administration needs to reevaluate/readjust the processes and procedures so the schools can be brought up to higher standards of learning.
- 2. James Duck, 3142 North Stonebridge Drive, asked Council to assist him in clearing his 12 year old granddaughter's record, who he stated was mistakenly arrested at school by the Norfolk Police.
- 3. Bob Blizard, 916 Ballentine Boulevard, asked Council if they could help the SPCA gain access t to the SPSA property to exercise shelter dogs.
- 4. Danny Lee Ginn, 3845 Dare Circle, commented on good government.